



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

A

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,028	01/12/2001	Stuart Berkowitz	668437600004	1857
7590	12/16/2005		EXAMINER	
John V. Biernacki Jones, Day, Reavis & Pogue North Point 901 Lakeside Avenue Cleveland, OH 44114			DUONG, THOMAS	
			ART UNIT	PAPER NUMBER
			2145	
DATE MAILED: 12/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/760,028	BERKOWITZ ET AL.
	Examiner	Art Unit
	Thomas Duong	2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 October 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-41 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/23/05, 10/21/05, 11/25/05
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.
2. Amendment received October 24, 2005 has been entered into record. *Claims 1-41* remain pending.

Response to Amendment

3. This office action is in response to the applicants' Request For Reconsideration filed on October 24, 2005. *Claims 1-41* are presented for further consideration and examination.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
5. Claims 1 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunn et al. (US005999612A).

6. With regard to claims 1 and 27, Dunn discloses,

- *a first connection port to allow a speech-based conversation to occur over the home-based broadband connection (cable network 21) to the Internet network;*
(Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2)
Dunn teaches of an adapter that includes ports for connecting to the Internet through the broadband network of the service provider and for connecting to the public switched telephone network (PSTN). Furthermore, the adapter allows telephone calls to be routed through the Internet or the PSTN telephony network.
- *a second connection port to allow a speech-based conversation to occur over a public switched telephone network (PSTN) (LEC/PSTN 28); and* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 57-61; col.15, lines 39-57; fig.2)
Dunn teaches of an adapter that includes ports for connecting to the Internet through the broadband network of the service provider and for connecting to the public switched telephone network (PSTN). Furthermore, the adapter allows telephone calls to be routed through the Internet or the PSTN telephony network.
- *a plurality of speech engines that recognize speech and synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port.* (Dunn, col.2, lines 32-42; col.6, lines 65-67; col.7, lines 38-41; modules 54-57, fig.4)

Dunn teaches of an adapter that includes microphone and speaker devices for providing telephone services through the Internet via the broadband network of the service provider or through the public switched telephone network (PSTN). Thus, Dunn suggests of speech engines to allow telephone calls to be routed

through the Internet or the PSTN telephony network via the adapter. In addition, Dunn teaches of a “*voice codec [that] can convert telephone signals handled between interface 52 and other analog devices such as speaker and microphone into digital signals*” (Dunn, col.7, lines 38-41) as to enable a speech-based conversation to occur over the first connection port and/or second connection port.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
8. Claims 1-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. (US005999612A) and in view of Vander Molen (US004520576).
9. With regard to claims 1 and 27, Dunn discloses,
 - *a first connection port to allow a speech-based conversation to occur over the home-based broadband connection (cable network 21) to the Internet network;* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2) Dunn teaches of an adapter that includes ports for connecting to the Internet through the broadband network of the service provider and for connecting to the public switched telephone network (PSTN). Furthermore, the adapter allows telephone calls to be routed through the Internet or the PSTN telephony network.

- *a second connection port to allow a speech-based conversation to occur over a public switched telephone network (PSTN) (LEC/PSTN 28); and* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 57-61; col.15, lines 39-57; fig.2)

Dunn teaches of an adapter that includes ports for connecting to the Internet through the broadband network of the service provider and for connecting to the public switched telephone network (PSTN). Furthermore, the adapter allows telephone calls to be routed through the Internet or the PSTN telephony network.

Even though Dunn implies the following limitation as seen in the 35 U.S.C. 102(b) rejection above,

- *a plurality of speech engines that recognize speech and synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port.*

The Examiner, in addition, present the teaching of Vander Molen, which teaches,

- *a plurality of speech engines that recognize speech and synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port.* (Vander Molen, col.2, lines 15-33; col.4, lines 7-34; col.7, lines 33-45)

Vander Molen teaches of conversational voice command control system for a home appliance that includes speech recognition and synthesis modules. More importantly, Vander Molen teaches of a “*master control microcomputer [that] receives input information from the speech recognition module ... and provides the necessary inputs to the [appliance] control system*” (Vander Molen, col.4, lines 24-29). Thus, Vander Molen teaches of a microcomputer that receives audible inputs, processes them, and “*upon recognition of a final spoken*

authorization in response to an audible inquiry, the [appliance] device is operated in accordance with the selected parameters" (Vander Molen, col.7, lines 40-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Vander Molen reference with Dunn reference to enable the cable network providers to compete with the PSTN in offering telephony services. By allowing for seamlessly and effective integration of the existing telephony functions via speech recognition and synthesis modules, broadband providers can offer telephony services over their broadband networks or the PSTN network.

10. With regard to claims 2-5 and 28-29, Dunn and Vander Molen disclose,

See *claims 1 and 27* rejection as detailed above.

Furthermore, Van Molen discloses,

- *an appliance control software module that controls at least one home appliance based upon the user's voice command.* (Vander Molen, col.2, lines 15-33; col.4, lines 7-23)

Vander Molen teaches of conversational voice command control system for a home appliance that includes speech recognition and synthesis modules.

11. With regard to claims 12-16, Dunn and Vander Molen disclose,

See *claims 1 and 27* rejection as detailed above.

Furthermore, Dunn discloses,

- *wherein the computer operates within a residential home of a user.* (Dunn, col.2, line 65 – col.3, line 4)

12. Claims 6-11 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. (US005999612A), in view of Vander Molen (US004520576) and further in view of Kurganov et al. (US006721705B2).

13. With regard to claims 6-11 and 30-32, Dunn and Vander Molen disclose,

See *claims 1 and 27* rejection as detailed above.

However, Dunn and Vander Molen do not explicitly disclose,

- *a personal software application retrieval module that retrieves personal information from a software application based upon the personal software application voice command of the user.*

Kurganov teaches,

- *a personal software application retrieval module that retrieves personal information from a software application based upon the personal software application voice command of the user.* (Kurganov, col.2, lines 59-63; col.5, lines 48-53)

Kurganov teaches of a system that includes a database containing user profile information to assist the system in searching and retrieving information according to the user's voice commands.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Kurganov reference with Dunn and Vander Molen references to enhance the system by including a database which contains user profile information to assist the system in searching and retrieving information according to the user's voice commands.

14. Claims 17-26 and 33-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. (US005999612A), in view of Vander Molen (US004520576) and further in view of Ball et al. (US006600736B1).

15. With regard to claims 17-26 and 33-41, Dunn and Vander Molen disclose,
See *claims 1 and 27* rejection as detailed above.

However, Dunn and Vander Molen do not explicitly disclose,

- *a voice markup language management module connected to the Internet network in order to retrieve a voice markup language program to interact by a speech-based conversation with the user over the first and second connections.*

Ball teaches,

- *a voice markup language management module connected to the Internet network in order to retrieve a voice markup language program to interact by a speech-based conversation with the user over the first and second connections.* (Ball, col.14, lines 43-44)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Ball reference with Dunn and Vander Molen references to enhance the system by utilizing the voice markup language to format the information retrieved by the system at the user's voice command.

Response to Arguments

16. Applicant did not present any arguments with the RCE filed October 24, 2005.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on 571/272-3933. The fax phone numbers for the organization where this application or proceeding is assigned are 571/273-8300 for regular communications and 571/273-8300 for After Final communications.

Thomas Duong
Thomas Duong (AU2145)

December 12, 2005



Jason D. Cardone

Supervisory PE
Supervisory PE (AU2145)